REMARKS

Applicants respectfully request reconsideration of this application as amended.

Claims 1, 11 and 16 have been amended. Claims 25-27 were cancelled without

prejudice. No new claims have been added. Therefore, claims 1-24 are presented for

examination. The following remarks are in response to the final Office Action, mailed

June 4, 2007.

35 U.S.C. § 103 Rejection

Claims 1-6, 8 and 11-13 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Snowden et al., U.S. Pub. No. 2002/0026332 ("Snowden") in view of

Intel Internet Authentication Services, Privacy and Security for Health Care Transactions

Over the Internet, copyright© 2000, Intel Corporation ("Intel"), and further in view of

Schoenberg, U.S. Patent 6,463,417 ("Schoenberg"). Applicant submits that the present

claims are patentable over Snowden in view of Intel and Schoenberg.

Claim 1, as amended, recites:

> A method of controlling transfer of health information   along   a
> network pathway, the method comprising:
> receiving, by an access server on the network pathway, a request for the
>   health information from across an internal network, the request
>   being generated from a   portable healthcare device on the
>   network pathway;
> immediately determining, by the access server, if a corresponding consent
>   is stored in the access server and whether the consent satisfies
>   requirements for release of the health information, wherein the
>   consent is for a requestor of the health information to access the
>   health information and the consent is provided by an owner of the
>   health information, wherein the consent is based on results
>   provided by a filtering component, the filtering component to filter
>   the health information based on the request such that an
>   unnecessary portion of the health information is filtered out,
>   wherein the request indicates an intended purpose of using the
>   health information; and

> if the corresponding consent is stored, permitting, by the access server, the health information to be immediately acquired by sending the request across an external network to a remote site, receiving the health information from the remote site, and forwarding the health information back across the internal network.

(emphasis added)

As an initial matter, Applicants respectfully disagree with the Examiner's characterization of the references and the pending claims. For example, the Examiner relies on Schoenberg for the feature "immediately determining, by the access server, if a corresponding consent is stored in the access server and whether the consent satisfies requirements for release of the health information, wherein the consent is for a requestor of the health information to access the health information and the consent is provided by an owner of the health information" as recited by claim 1 (emphasis added) (see Office Action, mailed 06-04-07, page 3-4). However, Schoenberg's "system for distributing medical information for an individual over a communication network" is not the same as the recited feature of claim 1 (col. 3, lines 20-52; col. 4, lines 57-63; col. 5, lines 20-40). Applicants submit that Schoenberg does not make up for the deficiencies of Snowden and Intel. However, for the sake of expediting issuance of this case, Applicants propose additional amendments to the pending claims and provide the following remarks.

Snowden discloses a "secure repository is provided for personal medical records of individuals and families. These electronic records, owned and controlled by the individual, may then be made accessible in selected parts over secured lines, to appropriate care providers, insurers and suppliers. The individual can direct that his or her entire file be transmitted to a doctor or to a hospital emergency room through the use of a coded card or they can direct that their medical information can only be supplied in anonymous, summary form along with data of other insured's to employers/health plan sponsors." (Abstract)

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Schoenberg discloses a "method of and system for distributing medical information for an individual over a communications network is disclosed. The method includes the steps of generating a plurality of security access codes, generating a plurality of hierarchical categories, ranging from a low security category to a high security category, categorizing the individual's medical information into privacy levels ranging from a least private level to a most private level, inputting the individual's categorized medical information into the plurality of hierarchical categories, the least private level being input into the low security category and the most private level being input into the high security category and assigning, to each of the categories, one or more of the access security codes, such that the medical information in each category will be released only if the assigned access security codes are received." (Abstract)

In contrast, claim 1, as amended, in pertinent part, recites "the consent is based on results provided by a filtering component, the filtering component to filter the health information based on the request such that an unnecessary portion of the health information is filtered out, wherein the request indicates an intended purpose of using the health information" (emphasis added). Snowden, Intel and Schoenberg, neither individually nor when combined in any combination, teach or reasonably suggest at least this feature of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Claim 11 contains limitations similar to those of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 11 and its dependent claims.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Background of the Invention and further in view of Schoenberg.

Claim 7 depends from claim 1 and thus includes all the limitations of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 7.

Claims 9, 10, 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Wong et al. (U.S. Patent 6,260,021), and further in view of Schoenberg.

Claim 9, 10, 14 and 15 depend from claims 1 and 11 and thus include all the limitations of the corresponding base claim. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9, 10, 14 and 15.

Claims 16-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Killcommons, et al., U.S. Patent 6,424,996 ("Killcommons"), and further in view of Schoenberg.

Killcommons discloses the "assembly and communication of multimedia information from a variety of modalities to remote users with improved control is provided for by the combined use of a browser enhancement module, such as a plug-in or ActiveX control, and a server. The server includes a data interface for acquiring the multimedia data and a storage unit for receiving and storing the data. An assembly unit in the server gathers selected data to form an e-mail package in response to instructions from a remote user unit." (Abstract)

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In contrast, claim 16, as amended, in pertinent part, recites "the consent is based on results provided by a filtering component, the filtering component to filter the health information based on the request such that an unnecessary portion of the health information is filtered out, wherein the request indicates an intended purpose of using the health information" (emphasis added). Killcommons and Schoenberg, neither individually nor when combined, teach or reasonably suggest at least this feature of claim 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 16 and its dependent claims.

Claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Snowden et al. in view of Intel, and further in view of Killcommons, et al. (U.S. Patent 6,424,996), and further in view of Wong and further in view of Schoenberg.

Claim 23 and 24 depend from claims 16 and thus include all the limitations of claim 16. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 23 and 24.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

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Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: __July 17, 2007__
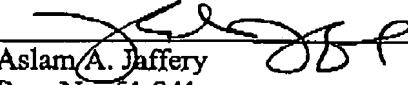
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